

*JHS*

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

12

In the Matter of the Seizure of  
(Address or brief description of property or premises to be seized)

APPLICATION AND AFFIDAVIT  
FOR SEIZURE WARRANT

CASE NUMBER: 10-cr-096

A 2007 Chevrolet Suburban, VIN #3GNFK16397G280333

I Thomas A. Marakovits being duly sworn depose and say:

I am a(n) Special Agent of the Federal Bureau of Investigation and have reason to believe that in the District of Idaho there is now certain property which is subject to forfeiture to the United States, namely (describe the property to be seized)

A 2007 Chevrolet Suburban, VIN #3GNFK16397G280333

which is (state one or more bases for seizure under the United States code)

proceeds or derived from proceeds traceable to

violations of Title 18 United States Code, Sections(s) 1344 and 656, and is subject to seizure under Title 28 United States Code, Section 2461(c) and Title 18 United States Code, Section 981(a)(1)(C). The facts to support a finding of Probable Cause for issuance of a Seizure Warrant are as follows:

(See Affidavit of Thomas A. Marakovits attached)

Continue on the attached sheet and made a part hereof.

☒ Yes ☐ No  
*Thomas A. Marakovits*  
Thomas A. Marakovits

Sworn to before me, and subscribe in my presence

6/21/10  
Date  
Honorable JACOB P. HART, U.S. Magistrate Judge

Philadelphia, Pennsylvania  
City and State

\_\_\_\_\_  
Name and Title of Judicial Officer

*[Signature]*  
\_\_\_\_\_  
Signature of Judicial Officer

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIAIn the Matter of the Seizure of  
(Address or brief description of property or premises to be seized)APPLICATION AND AFFIDAVIT  
FOR SEIZURE WARRANT

CASE NUMBER: 10-cr-096

BMBR Snowmobile, VIN# YH2SLS8B48R001062

I Thomas A. Marakovits being duly sworn depose and say:I am a(n) Special Agent of the Federal Bureau of Investigation and have reason to believe that in the District of Idaho there is now certain property which is subject to forfeiture to the United States, namely (describe the property to be seized)

BMBR Snowmobile, VIN# YH2SLS8B48R001062

which is (state one or more bases for seizure under the United States code)

proceeds or derived from proceeds traceable to

violations of Title 18 United States Code, Sections(s) 1344 and 656, and is subject to seizure under Title 28 United States Code, Section 2461(c) and Title 18 United States Code, Section 981(a)(1)(C). The facts to support a finding of Probable Cause for issuance of a Seizure Warrant are as follows:

(See Affidavit of Thomas A. Marakovits attached)

Continue on the attached sheet and made a part hereof.

☒ Yes ☐ No

Thomas A. Marakovits

Sworn to before me, and subscribe in my presence

6/21/10

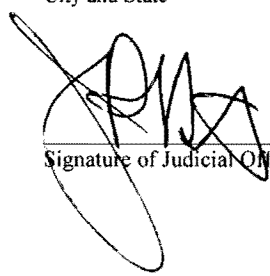
Date

Honorable JACOB P. HART, U.S. Magistrate Judge

at

Philadelphia, Pennsylvania  
City and State

Name and Title of Judicial Officer

  
Signature of Judicial Officer

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

In the Matter of the Seizure of  
(Address or brief description of property or premises to be seized)

APPLICATION AND AFFIDAVIT  
FOR SEIZURE WARRANT

CASE NUMBER: 10-cr-096

2 SS Pandora beads

I Thomas A. Marakovits being duly sworn depose and say:

I am a(n) Special Agent of the Federal Bureau of Investigation and have reason to believe that in the District of Idaho there is now certain property which is subject to forfeiture to the United States, namely (describe the property to be seized)

2 SS Pandora beads

which is (state one or more bases for seizure under the United States code)

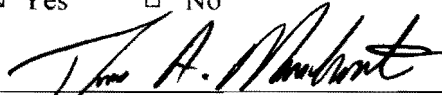
proceeds or derived from proceeds traceable to

violations of Title 18 United States Code, Sections(s) 1344 and 656, and is subject to seizure under Title 28 United States Code, Section 2461(c) and Title 18 United States Code, Section 981(a)(1)(C). The facts to support a finding of Probable Cause for issuance of a Seizure Warrant are as follows:

(See Affidavit of Thomas A. Marakovits attached)

Continue on the attached sheet and made a part hereof.

☒ Yes ☐ No

  
Thomas A. Marakovits

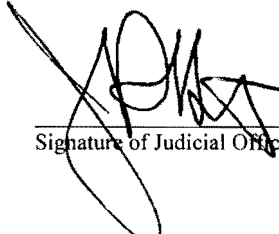
Sworn to before me, and subscribe in my presence

6/21/10  
Date  
Honorable JACOB P. HART, U.S. Magistrate Judge

at

Philadelphia, Pennsylvania  
City and State

\_\_\_\_\_  
Name and Title of Judicial Officer

  
\_\_\_\_\_  
Signature of Judicial Officer

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

In the Matter of the Seizure of  
(Address or brief description of property or premises to be seized)

APPLICATION AND AFFIDAVIT  
FOR SEIZURE WARRANT

CASE NUMBER: 10-cr-096

A 2006 BMW Sedan, VIN #WBAVT13556KW22744

I Thomas A. Marakovits being duly sworn depose and say:

I am a(n) Special Agent of the Federal Bureau of Investigation and have reason to believe that in the District of Idaho there is now certain property which is subject to forfeiture to the United States, namely (describe the property to be seized)

A 2006 BMW Sedan, VIN #WBAVT13556KW22744

which is (state one or more bases for seizure under the United States code)

proceeds or derived from proceeds traceable to

violations of Title 18 United States Code, Sections(s) 1344 and 656, and is subject to seizure under Title 28 United States Code, Section 2461(c) and Title 18 United States Code, Section 981(a)(1)(C). The facts to support a finding of Probable Cause for issuance of a Seizure Warrant are as follows:

(See Affidavit of Thomas A. Marakovits attached)

Continue on the attached sheet and made a part hereof.

☒ Yes ☐ No

Thomas A. Marakovits  
Thomas A. Marakovits

Sworn to before me, and subscribe in my presence

6/10/10

Date

Honorable JACOB P. HART, U.S. Magistrate Judge

at

Philadelphia, Pennsylvania  
City and State

Name and Title of Judicial Officer

[Signature]  
Signature of Judicial Officer

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

In the Matter of the Seizure of  
(Address or brief description of property or premises to be seized)

APPLICATION AND AFFIDAVIT  
FOR SEIZURE WARRANT

CASE NUMBER: 10-cr-096

2 Pandora / Troll bracelets

I Thomas A. Marakovits being duly sworn depose and say:

I am a(n) Special Agent of the Federal Bureau of Investigation and have reason to believe that in the District of Idaho there is now certain property which is subject to forfeiture to the United States, namely (describe the property to be seized)

2 Pandora / Troll bracelets

which is (state one or more bases for seizure under the United States code)

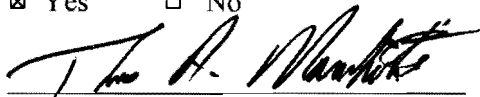
proceeds or derived from proceeds traceable to

violations of Title 18 United States Code, Sections(s) 1344 and 656, and is subject to seizure under Title 28 United States Code, Section 2461(c) and Title 18 United States Code, Section 981(a)(1)(C). The facts to support a finding of Probable Cause for issuance of a Seizure Warrant are as follows:

(See Affidavit of Thomas A. Marakovits attached)

Continue on the attached sheet and made a part hereof.

☒ Yes ☐ No

  
Thomas A. Marakovits

Sworn to before me, and subscribe in my presence

6/21/10  
Date  
Honorable JACOB P. HART, U.S. Magistrate Judge

at

Philadelphia, Pennsylvania  
City and State

\_\_\_\_\_  
Name and Title of Judicial Officer

  
\_\_\_\_\_  
Signature of Judicial Officer

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

In the Matter of the Seizure of  
(Address or brief description of property or premises to be seized)

APPLICATION AND AFFIDAVIT  
FOR SEIZURE WARRANT

CASE NUMBER: 10-cr-096

Strand of chocolate pearls

I Thomas A. Marakovits being duly sworn depose and say:

I am a(n) Special Agent of the Federal Bureau of Investigation and have reason to believe that in the District of Idaho there is now certain property which is subject to forfeiture to the United States, namely (describe the property to be seized)

Strand of chocolate pearls

which is (state one or more bases for seizure under the United States code)

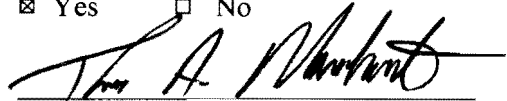
proceeds or derived from proceeds traceable to

violations of Title 18 United States Code, Sections(s) 1344 and 656, and is subject to seizure under Title 28 United States Code, Section 2461(c) and Title 18 United States Code, Section 981(a)(1)(C). The facts to support a finding of Probable Cause for issuance of a Seizure Warrant are as follows:

(See Affidavit of Thomas A. Marakovits attached)

Continue on the attached sheet and made a part hereof.

☒ Yes ☐ No

  
Thomas A. Marakovits

Sworn to before me, and subscribe in my presence

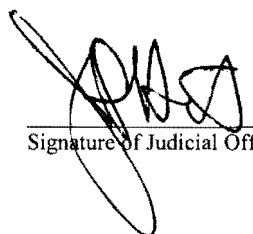
6/21/10  
Date

Honorable JACOB P. HART, U.S. Magistrate Judge

at

Philadelphia, Pennsylvania  
City and State

\_\_\_\_\_  
Name and Title of Judicial Officer

  
\_\_\_\_\_  
Signature of Judicial Officer

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

In the Matter of the Seizure of  
(Address or brief description of property or premises to be seized)

APPLICATION AND AFFIDAVIT  
FOR SEIZURE WARRANT

CASE NUMBER: 10-cr-096

A 2008 BMW, VIN #5UXFE435681022782

I Thomas A. Marakovits being duly sworn depose and say:

I am a(n) Special Agent of the Federal Bureau of Investigation and have reason to believe that in the Eastern District of Pennsylvania there is now certain property which is subject to forfeiture to the United States, namely (describe the property to be seized)

A 2008 BMW, VIN #5UXFE435681022782

FILED  
JUN 21 2010  
MICHAEL KUNZ, Clerk  
By \_\_\_\_\_ Dep. Clerk

which is (state one or more bases for seizure under the United States code)

proceeds or derived from proceeds traceable to

violations of Title 18 United States Code, Sections(s) 1344 and 656, and is subject to seizure under Title 28 United States Code, Section 2461(c) and Title 18 United States Code, Section 981(a)(1)(C). The facts to support a finding of Probable Cause for issuance of a Seizure Warrant are as follows:

(See Affidavit of Thomas A. Marakovits attached)

Continue on the attached sheet and made a part hereof.

☒ Yes ☐ No

Thomas A. Marakovits  
Thomas A. Marakovits

Sworn to before me, and subscribe in my presence

6/21/10  
Date  
Honorable JACOB P. HART, U.S. Magistrate Judge

Philadelphia, Pennsylvania  
City and State

[Signature]  
Name and Title of Judicial Officer

[Signature]  
Signature of Judicial Officer

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

In the Matter of the Seizure of  
(Address or brief description of property or premises to be seized)

APPLICATION AND AFFIDAVIT  
FOR SEIZURE WARRANT

CASE NUMBER: 10-cr-096

A 2006 Hummer, VIN #5GTDN136968178517

I Thomas A. Marakovits being duly sworn depose and say:

I am a(n) Special Agent of the Federal Bureau of Investigation and have reason to believe that in the Eastern District of Pennsylvania there is now certain property which is subject to forfeiture to the United States, namely (describe the property to be seized)

A 2006 Hummer, VIN #5GTDN136968178517

which is (state one or more bases for seizure under the United States code)

proceeds or derived from proceeds traceable to

violations of Title 18 United States Code, Sections(s) 1344 and 656, and is subject to seizure under Title 28 United States Code, Section 2461(c) and Title 18 United States Code, Section 981(a)(1)(C). The facts to support a finding of Probable Cause for issuance of a Seizure Warrant are as follows:

(See Affidavit of Thomas A. Marakovits attached)

Continue on the attached sheet and made a part hereof.

☒ Yes ☐ No

Thomas A. Marakovits  
Thomas A. Marakovits

Sworn to before me, and subscribe in my presence

6/21/10  
Date  
Honorable JACOB P. HART, U.S. Magistrate Judge

at

Philadelphia, Pennsylvania  
City and State

\_\_\_\_\_  
Name and Title of Judicial Officer

[Signature]  
Signature of Judicial Officer



UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

In the Matter of the Seizure of  
(Address or brief description of property or premises to be seized)

APPLICATION AND AFFIDAVIT  
FOR SEIZURE WARRANT

CASE NUMBER: 10-cr-096

Strand of chocolate pearls;  
and chocolate pearl earrings

I Thomas A. Marakovits being duly sworn depose and say:

I am a(n) Special Agent of the Federal Bureau of Investigation and have reason to believe that in the Eastern District of Pennsylvania there is now certain property which is subject to forfeiture to the United States, namely (describe the property to be seized)

Strand of chocolate pearls

which is (state one or more bases for seizure under the United States code)

proceeds or derived from proceeds traceable to

violations of Title 18 United States Code, Sections(s) 1344 and 656, and is subject to seizure under Title 28 United States Code, Section 2461(c) and Title 18 United States Code, Section 981(a)(1)(C). The facts to support a finding of Probable Cause for issuance of a Seizure Warrant are as follows:

(See Affidavit of Thomas A. Marakovits attached)

Continue on the attached sheet and made a part hereof.

☒ Yes ☐ No

Thomas A. Marakovits  
Thomas A. Marakovits

Sworn to before me, and subscribe in my presence

6/21/10  
Date  
Honorable JACOB P. HART, U.S. Magistrate Judge

at

Philadelphia, Pennsylvania  
City and State

Name and Title of Judicial Officer

[Signature]  
Signature of Judicial Officer

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

In the Matter of the Seizure of  
(Address or brief description of property or premises to be seized)

APPLICATION AND AFFIDAVIT  
FOR SEIZURE WARRANT

CASE NUMBER: 10-cr-096

SS Shiny Barrel with gold beads

I Thomas A. Marakovits being duly sworn depose and say:

I am a(n) Special Agent of the Federal Bureau of Investigation and have reason to believe that in the Eastern District of Pennsylvania there is now certain property which is subject to forfeiture to the United States, namely (describe the property to be seized)

SS Shiny Barrel with gold beads

which is (state one or more bases for seizure under the United States code)

proceeds or derived from proceeds traceable to

violations of Title 18 United States Code, Sections(s) 1344 and 656, and is subject to seizure under Title 28 United States Code, Section 2461(c) and Title 18 United States Code, Section 981(a)(1)(C). The facts to support a finding of Probable Cause for issuance of a Seizure Warrant are as follows:

(See Affidavit of Thomas A. Marakovits attached)

Continue on the attached sheet and made a part hereof.

☒ Yes ☐ No

Thomas A. Marakovits  
Thomas A. Marakovits

Sworn to before me, and subscribe in my presence

6/21/10 at  
Date  
Honorable CAROL SANDRA MOORE WELLS, U.S. Magistrate Judge

Philadelphia, Pennsylvania  
City and State

\_\_\_\_\_  
Name and Title of Judicial Officer

[Signature]  
Signature of Judicial Officer

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIAIn the Matter of the Seizure of  
(Address or brief description of property or premises to be seized)APPLICATION AND AFFIDAVIT  
FOR SEIZURE WARRANT

CASE NUMBER: 10-cr-096

2 Pandora / Troll bracelets

I Thomas A. Marakovits being duly sworn depose and say:I am a(n) Special Agent of the Federal Bureau of Investigation and have reason to believe that in the Eastern District of Pennsylvania there is now certain property which is subject to forfeiture to the United States, namely (describe the property to be seized)

2 Pandora / Troll bracelets

FILED  
JUN 21 2010  
MICHAEL KUNZ, Clerk  
By \_\_\_\_\_ Dep. Clerk

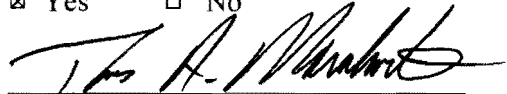
which is (state one or more bases for seizure under the United States code)

proceeds or derived from proceeds traceable to

violations of Title 18 United States Code, Sections(s) 1344 and 656, and is subject to seizure under Title 28 United States Code, Section 2461(c) and Title 18 United States Code, Section 981(a)(1)(C). The facts to support a finding of Probable Cause for issuance of a Seizure Warrant are as follows:

(See Affidavit of Thomas A. Marakovits attached)

Continue on the attached sheet and made a part hereof.

☒ Yes ☐ No

Thomas A. Marakovits

Sworn to before me, and subscribe in my presence

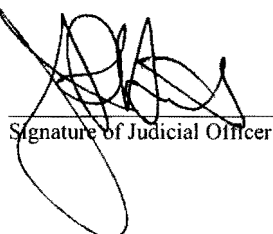
6/21/10  
Date

Honorable JACOB P. HART, U.S. Magistrate Judge

at

Philadelphia, Pennsylvania  
City and State

Name and Title of Judicial Officer

Signature of Judicial Officer  


**AFFIDAVIT IN SUPPORT OF APPLICATION  
FOR FORFEITURE SEIZURE WARRANTS**

**INTRODUCTION**

Thomas A. Marakovits, being duly sworn deposes and says:

**FILED**  
**JUN 21 2010**  
MICHAEL E. KUNZ, Clerk  
By \_\_\_\_\_ Dep. Clerk

1. I am a Special Agent of the Federal Bureau of Investigation ("FBI") assigned to the Philadelphia Division, Allentown Resident Agency (ARA). I have been employed as a Special Agent for over fifteen years and have spent almost all of this time working white-collar crime and public corruption investigations. My duties include the investigation of bank fraud, bank embezzlement, mail fraud, wire fraud and other crimes. As a law enforcement officer of the United States, I am authorized to execute arrest, search, and seizure warrants under the authority of the United States.

**PURPOSE OF AFFIDAVIT**

2. I submit this affidavit in support of seizure warrants for the following forfeitable property:

- a. A 2007 Chevrolet Suburban, VIN:  
3GNFK16397G280333
- b. A 2006 BMW Sedan, VIN:  
WBAVT13556KW22744
- c. A 2008 BMW, VIN:  
5UXFE43568L022782
- d. A 2006 Hummer, VIN:  
5GTDN136968178517
- e. 2 Pandora / Troll bracelets
- f. Strand of chocolate pearls

- g. 2 SS Pandora beads
- h. Chocolate pearl earrings
- i. SS Shiny Barrel with gold beads
- j. BMBR Snowmobile, VIN:  
YH2SLS8B48R001062

which are proceeds or are derived from proceeds traceable to violations of Title 18, United States Code Section 1344 (bank fraud), and 18 United States Code Section 656 (embezzlement by bank employee) and as such are subject to forfeiture pursuant to Title 28, United States Code, Section 2461 (c), and Title 18, United States Code, Section 981 (a)(1)(C).

3. I am the case agent in the investigation and prosecution of defendant ROBERTA L. STUTZMAN and as such I am familiar with the information contained in this affidavit through personal investigation, from discussions with other employees of the FBI and other Special Agents from the Internal Revenue Service, and through other investigative techniques.

4. Since this affidavit is being submitted for the limited purpose of establishing probable cause to apply for a seizure warrant, this affidavit does not set forth each and every fact learned by me or other agents during the course of this investigation.

**DETAILS OF THE INVESTIGATION AND PROSECUTION**

5. On February 22, 2010 a three (3) count information (attached hereto as Exh. A) was filed under Criminal Number 10-096 in United States District Court for the Eastern District Court of Pennsylvania charging ROBERTA L. STUTZMAN (hereinafter STUTZMAN) with the following violations: 18 U.S.C. § 1344 (bank fraud - 1 count), 18 U.S.C. § 656 (embezzlement by bank employee - 1 count), and 26 U.S.C. § 7206 (1) (filing a false tax return - 1 count).

6. The information also included a Notice of Forfeiture mandating that STUTZMAN forfeit to the United States of America any property, real or personal, that constitutes or is derived from proceeds traceable to the commission of the offenses detailed in the information, including, but not limited to, the sum of \$4,414,538 U.S. currency, funds in 52 different bank accounts, 5 real properties, 8 vehicles and 8 other items of personal property, including jewelry. Included in the Notice of Forfeiture was all of the property detailed in paragraph 2 above.

7. On March 16, 2010, a plea agreement signed by STUTZMAN was filed by the office of the United States Attorney for the Eastern District of Pennsylvania in United States District Court (attached hereto as Exh. B) in which STUTZMAN agreed to plead guilty to all three (3) counts of the above described information and to not contest forfeiture as set forth in the information's Notice of Forfeiture.

8. On March 19, 2010, STUTZMAN pled guilty before the Honorable Joel H. Slomsky to all three counts in the information. The factual basis for the plea included the following evidence, and was agreed to by STUTZMAN :

a. In her capacity as Assistant Vice President of Loan Accounting and Manager of Retail Loan Accounting in the Retail Loan Operations Department, STUTZMAN had access to National Penn Bank's computer system. This access enabled the defendant to create new loans and to adjust amounts in the suspense accounts. She also had override authority on the system and was able to create and process certain adjustments without any supporting documentation. At the time of her termination at National Penn Bank, she was earning a yearly salary of approximately \$46,000.

b. STUTZMAN devised a complex scheme to defraud the bank by creating four fictitious lines of credit in the names of (i) Gregory Battis and (ii) Frank Otto. She used these lines of credit to transfer money to her own accounts, including a line of credit titled to her and her husband called an "*InstaCash Line of Credit*," with a maximum amount of \$7000. The defendant would draw the maximum amount on her lines, that being \$7,000, and she would repay the line by transferring funds from the lines of credit in the name of Battis and Otto. She transferred money from the fictitious lines of credit to other accounts, which included accounts in the name of her children, grandchildren, and daughters-in-law, as well as her accounts in Sovereign Bank, Citizens Bank, and Janney Mongtomery Scott. The defendant would delete the accrued interest on the lines of credit for Battis and Otto from the accounts on the bank's system. The

defendant further embezzled funds using various National Penn general ledger suspense accounts.

c. STUTZMAN stole approximately \$4,414,538. Bank records show that defendant's fraudulent scheme spanned over one decade, from May 1996 through December 2008. Each year, the defendant's theft increased, at times by hundreds of thousands of dollars. For example, bank records show that, in 2003, she stole \$292,482. Five years later, in 2008, she stole \$767,015. The evidence shows that the defendant, with embezzled funds, purchased vehicles for herself and her husband, including a Corvette, a BMW, a Cadillac Escalade, and a Buick, and vehicles for her adult children including, two BMWs, a Hummer, and a Chevrolet Suburban. The defendant also purchased tens of thousands of dollars of expensive jewelry, including diamond bracelets and pearl necklaces, for herself, her adult children and her grandchildren. The defendant purchased a vacation home in the Poconos, as well as a property in Boise, Idaho. She further purchased a home for her adult children in Boise, Idaho as well as assisted in the purchase of and in making mortgage payments of a home in Pottstown, PA for her adult children. She paid for child care tuition for her grandchildren, and bought furniture, electronics and snowmobiles for her adult children, all with embezzled funds. She regularly paid thousands of dollars in monthly credit card bills for her adult children and paid for expensive vacations to Disney World for all her children, their wives and



her grandchildren.

9. By her guilty plea, STUTZMAN has agreed and admitted that all of the real and personal property as detailed in the information's Notice of Forfeiture including all of the property detailed in paragraph 2 above constitute or are derived from proceeds traceable to the commission of the offenses charged in the information. STUTZMAN also admitted and agreed that she had transferred a portion of those proceeds to third parties. I have reviewed and analyzed bank records, and statements made by STUTZMAN, and have been able to confirm that all of the property detailed in paragraph 2 above constitute or are derived from proceeds traceable to the offenses charged in the information. Additionally, STUTZMAN participated in a proffer interview with the government on March 27, 2009, where she described the purchases and gifts to third parties, including her adult sons and their wives, she made with funds derived from the illegal proceeds.

10. Prior to the date of the signing of the plea agreement and in order to partially reimburse the victim bank, STUTZMAN transferred to National Penn Bank certain proceeds in her possession traceable to her offenses including jewelry, two vehicles, and monies contained in three Janney Montgomery Scott accounts.

11. STUTZMAN has been unable to date to surrender the admitted forfeitable property as detailed in paragraph 2 above because she had transferred those items, or the monies utilized to purchase them, as she admitted to in her guilty plea hearing as well as in statements to the government, to David Stutzman, Lydia Stutzman, Matthew Stutzman and Erin Stutzman. David Stutzman and Matthew Stutzman are the children of STUTZMAN and her husband, Dennis Stutzman. Lydia Stutzman is David Stutzman's wife. Erin Stutzman is Matthew

Stutzman's wife. Additionally, STUTZMAN, with illegal proceeds, purchased a home located at 75 Homestead, Boise, Idaho for Matthew and Erin Stutzman. STUTZMAN provided approximately \$100,000 of illegal proceeds to David and Lydia Stutzman for mortgage payments on their home located at 3041 Chestnut Road, Pottstown, PA

12. Since the summer of 2009, the government has requested that David Stutzman, Lydia Stutzman, Matthew Stutzman and Erin Stutzman voluntarily surrender the forfeited property they admittedly received from STUTZMAN and her husband Dennis Stutzman. Despite repeated government requests through their counsel for the surrender of the property, David Stutzman, Lydia Stutzman, Matthew Stutzman and Erin Stutzman to date have not surrendered any of the admitted forfeitable property.

**Forfeitable Property in Possession of Matthew and Erin Stutzman**

13. As noted above, it was part of STUTZMAN's scheme to embezzle money from National Penn Bank and transfer the proceeds to other National Penn Bank accounts under her control and/or to bank accounts maintained by her at Sovereign Bank or other financial institutions. STUTZMAN used the accounts which were the repositories for the proceeds from her embezzlement scheme to provide monies to and/or purchase gifts for other individuals, including her children. STUTZMAN commingled her "legitimate" salary from National Penn Bank with the embezzled proceeds in the accounts she created for the scheme. STUTZMAN'S salary was a fraction of the amount of the illicit funds she moved through the accounts.<sup>1</sup>

---

<sup>1</sup> Over the course of the scheme Roberta STUTZMAN averaged an annual salary of approximately \$44,000 and no more than approximately \$50,000. At the time, her husband Dennis Stutzman ended his employment in June 2005, his annual salary was \$27,000. Dennis Stutzman was unemployed for the remainder of STUTZMAN's scheme with zero income until approximately six months before the end of the scheme when he qualified for social security. In

**2007 Chevrolet Suburban, VIN:  
3GNFK16397G280333**

14. STUTZMAN utilized her National Penn Bank and/or other accounts to provide funds to her son Matthew Stutzman to purchase a 2007 Chevrolet Suburban, VIN: 3GNFK16397G280333 ("2007 Chevrolet"). I have obtained and reviewed purchase records from the dealer. Dealer records show that the 2007 Chevrolet Suburban was purchased and titled in the name of Matthew Stutzman on 6/30/2007 for \$45,403.25.<sup>2</sup> Additionally, Roberta STUTZMAN informed the government that she gave money to Matthew Stutzman to purchase the 2007 Chevrolet.

**2006 BMW Sedan, VIN:  
WBAVT13556KW22744**

15. STUTZMAN utilized her National Penn Bank and/or other accounts to provide funds to her son Matthew Stutzman and daughter-in-law Erin Stutzman to purchase a 2006 BMW Sedan, VIN: WBAVT13556KW22744 ("2006 BMW"). I have obtained and reviewed purchase records from the dealer which show the 2006 BMW was purchased and titled in the name of Erin Stutzman on 3/15/2006 for \$40,194.<sup>3</sup> Additionally, Roberta STUTZMAN informed the government that she gave money to Matthew and Erin Stutzman for the purchase of the BMW.

---

comparison, between 2002 and 2008, the average amount of money stolen from National Penn Bank by STUTZMAN per year was \$484,114, with the low being \$292,482 in 2003 and the high being \$767,015 in 11 months of 2008.

<sup>2</sup> Matthew and Erin Stutzman received a \$8,000 credit off the purchase price for a trade-in vehicle.

<sup>3</sup> Matthew and Erin Stutzman received a \$13,995 credit off the purchase price for a trade-in vehicle.

**BMBR Snowmobile, VIN:  
YH2SLS8B48R001062**

16. STUTZMAN utilized her National Penn Bank and/or other accounts to provide funds to her son Matthew Stutzman to purchase a BMBR Snowmobile, VIN: YH2SLS8B48R001062 ("BMBR Snowmobile"). I have obtained title records from Idaho Transportation Department. Idaho Transportation Department title records show that the BMBR Snowmobile was purchased and titled in the name of Matthew Stutzman on 11/20/2007 for \$10,450. Additionally, Roberta STUTZMAN agreed that she purchased this snowmobile with illegal proceeds during her guilty plea hearing.

**Pandora / Troll bracelet  
Strand of chocolate pearls  
SS Pandora beads**

17. STUTZMAN utilized her National Penn Bank and/or other accounts to provide funds to purchase the jewelry listed above at E.G. Landis Jewelers (Landis Jewelers), 1000 E. Philadelphia Avenue, Boyertown, PA. I have interviewed the owners of Landis Jewelers who provided the following information: Roberta L. STUTZMAN and Dennis K. Stutzman were long-time customers of Landis Jewelers. The owners of Landis Jewelers produced records that documented that between 1997 and December 2008, Roberta L. STUTZMAN and Dennis K. Stutzman spent over \$73,000 on jewelry and related items at Landis Jewelers. The owners of Landis Jewelry stated that Roberta L. STUTZMAN and Dennis K. Stutzman did not buy jewelry for investment purposes, but rather purchased jewelry for their own personal use and to give as gifts. Roberta STUTZMAN has admitted that she purchased the above listed jewelry with illicit proceeds at Landis Jewelers and gave the jewelry to Erin Stutzman. I have also reviewed Landis

Jewelers receipts which confirm the purchases. Additionally, Roberta STUTZMAN informed the government that she purchased this jewelry for Erin Stutzman.

**Forfeitable Property in Possession of David and Lydia Stutzman**

**2008 BMW, VIN:  
5UXFE43568L022782**

18. STUTZMAN utilized her National Penn Bank and/or other accounts to provide funds to her son David Stutzman and her daughter-in-law Lydia Stutzman to purchase a 2008 BMW, VIN: 5UXFE43568L022782 ("2008 BMW"). I have obtained and reviewed purchase records from the car dealer as well as David and Lydia Stutzman's bank records. Those records show the following: The 2008 BMW was purchased by and titled in the name of Lydia Stutzman on 3/14/2008 for \$58,816.90. Dealer and bank records show the payment by Roberta STUTZMAN in the amount of \$32,500 in illicit proceeds to David and Lydia Stutzman for the purchase of the vehicle.<sup>4</sup> Additionally, Roberta STUTZMAN informed the government that she contributed to the purchase of the BMW.

**2006 Hummer, VIN:  
5GTDN136968178517**

19. STUTZMAN utilized her National Penn Bank and/or other accounts to provide funds to her son David Stutzman and her daughter-in-law Lydia Stutzman to purchase a 2006 Hummer, VIN: 5GTDN136968178517 ("2006 Hummer"). I have obtained and reviewed purchase records from the car dealer as well as David and Lydia Stutzman's bank records. Those records show the following: The 2006 Hummer was purchased by and titled in the name of

---

<sup>4</sup> David and Lydia Stutzman received a \$13,000 credit off the purchase price for a trade-in vehicle.

David Stutzman on 10/22/2005 for \$33,271. Dealer and bank records show the payment by Roberta STUTZMAN in the amount of \$10,000 in illicit proceeds to David and Lydia Stutzman for the purchase of the vehicle.<sup>5</sup> Additionally, Roberta STUTZMAN informed the government that she contributed at least \$7000 to the purchase of the Hummer.

**Pandora / Troll bracelet**  
**Chocolate pearl earrings**  
**SS Shiny Barrel with gold beads**

20. STUTZMAN utilized her National Penn Bank and/or other accounts to provide funds to purchase the jewelry listed above at E.G. Landis Jewelers (Landis Jewelers), 1000 E. Philadelphia Avenue, Boyertown, PA. I have interviewed the owners of Landis Jewelers who provided the following information: Roberta L. STUTZMAN and Dennis K. Stutzman were long-time customers of Landis Jewelers. The owners of Landis Jewelers produced records that documented that between 1997 and December 2008, Roberta L. STUTZMAN and Dennis K. Stutzman spent over \$73,000 on jewelry and related items at Landis Jewelers. The owners of Landis Jewelry stated that Roberta L. STUTZMAN and Dennis K. Stutzman did not buy jewelry for investment purposes, but rather purchased jewelry for their own personal use and to give as gifts. Roberta STUTZMAN has admitted that she purchased the above listed jewelry with illicit proceeds at Landis Jewelers and gave the jewelry to Lydia Stutzman. I have also reviewed Landis Jewelers receipts which confirm the purchases. Roberta STUTZMAN has informed the government that she gifted this jewelry Lydia Stutzman and the daughters of Lydia Stutzman.

**Seizure Warrant Is Appropriate**

---

<sup>5</sup> David and Lydia Stutzman received a \$4,500 credit off the purchase price for a trade-in vehicle.

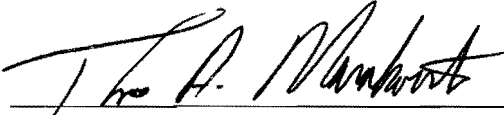
21. Title 21, United States Code, Section 853 (f), which is incorporated by Title 28, United States Code, Section 2461 (c), provides that the court shall issue a warrant authorizing the seizure of property subject to forfeiture if a protective order under subsection (e) may not be sufficient to assure the availability of the property for forfeiture.

22. Your affiant submits that a protective order is not sufficient to preserve the availability of the assets listed above and that these assets will be dissipated due to the nature of the property, coupled with the possessors' (David Stutzman, Lydia Stutzman, Matthew Stutzman and Erin Stutzman) long- standing refusal to voluntarily surrender the admitted forfeitable property to the United States. Despite the fact that the possessors have presumably had knowledge of the illicit source of the gifted assets since the discovery of STUTZMAN's scheme and the termination of her employment at National Penn Bank in or around December, 2008, and have had actual notice of the Government's request for the voluntary surrender of the assets since the summer of 2009, the possessors continue to use and enjoy the property as their own. The possessors use and enjoyment has decreased and will continue to cause a decrease in the value of the property. Since the possessors have retained possession and use of the assets in defiance of the Government's lawful request and without proper legal title, there is no guarantee that the possessors will retain the assets and not sell, damage or otherwise dispose of them.

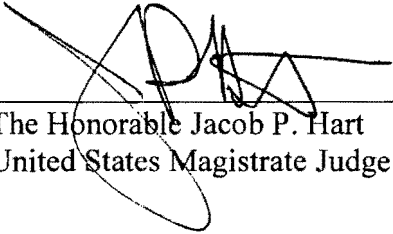
### CONCLUSION

23. Based on the information contained within this affidavit, there is probable cause to believe that the property detailed in paragraph 2 is proceeds or is derived from proceeds of violations of Title 18, United States Code, Section 1344 (bank fraud), and 18 United States Code, Section 656 (embezzlement by bank employee) and as such is subject to seizure pursuant

to Title 28, United States Code, Section 2461 (c), and Title 18, United States Code, Section (a)(1)(C) and 982(a)(2)(A).

  
THOMAS A. MARAKOVITS  
SPECIAL AGENT, FBI

Sworn to and subscribed  
before me this 21 day  
of June 2010.

  
The Honorable Jacob P. Hart  
United States Magistrate Judge